

## **REMARKS**

### **Status of the Claims**

- Claims 1-25 are pending in the application.
- Claims 1-5 and 12-22 are withdrawn from consideration.
- Claims 6-11 and 23-25 are rejected by the Examiner.
- Claims 6, 9, 23, and 24 are amended by Applicant.

### **Claim Rejections Pursuant to 35 U.S.C. §102**

Claims 6-8 stand rejected pursuant to 35 U.S.C. §102(e) as being anticipated Published PCT International Application WO 99/12228 to Watson. Applicant respectfully traverses the rejection.

Watson discloses an apparatus and methods for testing a wireless service provider network through a virtual subscriber system. In one aspect of this invention, a method for testing a wireless service provider network generally comprises the steps of initiating outbound call attempts under control of a master to multiple automatic, mobile responders, receiving calls at least some of the responders, monitoring parameters relating to the wireless service provider network and transmitting information indicative of those parameters to the master. (Abstract)

Along with Figure 2, Watson further teaches a call simulator 40 and a call responder 42 on page 7 lines 10-19:

Fig. 2 shows a diagrammatic view of primary elements of the subscriber wireless automated remote measuring system in one aspect of this invention. A call simulator 40 serves to initiate telephone calls. Preferably, the call simulator 40 emulates telephone calls placed over lines 56 through the public switched telephone network 10 and the wireless service provider network 20 to a responder 42 via the cell site 22. The call simulator 40 preferably includes the ability to receive calls originated from the responder 42. Call simulators are available from many commercial sources including Ameritec Corporation (FeatureCall™ system), Zarak Systems, Inc. (Abacus: Advanced Bulk Call Simulator), Teradyne (Hammer product line), and Redcom (TeleTraffic Generator). (page 7, lines 10-19).

Applicant notes that the call simulator 40, such as a FeatureCall™ system, interfaces with the PSTN in order to reach the wireless network. Regarding the call responder 42,

Watson teaches that the responder unit 42 is under the control of the master unit (call simulator) 40:

In the preferred embodiment, the responder units 42 operate remotely under control of the master 40. Most preferably, numerous responders 42 are provided in separate vehicles or locations throughout the service area, preferably in separate vehicles, so as to provide data to the master 40 and analyzer 44 under remote control from the master 40. (page 8, lines 3-7).

Further, Watson teaches that the responder unit 42 is suited for installation in a vehicle:

Generally, the responder 42 is preferably located within a vehicle, most preferably a vehicle which moves through a relatively large geographic area within the wireless service provider region. Examples of vehicles preferably utilized with the methods of the system include: postal or public transit vehicles (such as those that cover regular, thorough routes), delivery vehicles (such as those that cover regular routes which vary somewhat), taxis or other wireless service provider vehicles (such as those which cover random routes and sometimes go into and out of the service area). Alternatively, the responder 42 may be placed at a fixed location. (page 8, lines 22-30.)

Figure 4 of Watson depicts that the responder 42 is designed for use in a vehicle trunk (See Figure 4 and page 10, lines 8-10.) In viewing Figure 4, it becomes clear to one of skill in the art that the responder unit is not intended for subscriber use because the keyboard of the telephone component inside the responder 42 is inaccessible when the unit is assembled and installed in a vehicle for operation. Also, Figure 4 depicts that an internally installed mobile telephone is positioned in a first compartment 94 and a separate responder electronics compartment 96 exists for the location determination electronics, which may optionally contain a global positioning system board. (page 10, lines 17-25.) Thus, the mobile telephone and GPS equipment are separate items.

Applicant concludes that Watson teaches that a call simulator 40 acts as a master unit by connecting to the PSTN to gain access to a wireless network in order to access multiple responder units 42. The responder units, when placed into operation, permit no user access to act as a subscriber handheld mobile unit because they are normally large in size, sealed, and designed for use in a vehicle in a location such as a trunk. Also, the responder unit 42 has a separate global positioning system electronics board that is external to the mobile telephone unit.

Applicant amends independent Claim 6 to recite:

A subscriber handheld mobile unit for use in a wireless communications network, the handheld mobile unit comprising;

an operating system, including hardware and software that performs communications functions;

call quality data components to determine at least one call quality metric, and a location system, comprising hardware and software that determine a location of the handheld mobile unit in compliance with enhanced 911 ("E911") requirements, wherein the location system;

receives a query originating from a mobile switch center which communicates with a base station, wherein the query includes a request for call data and location data, wherein the location data comprises a location of the handheld mobile unit in compliance with E911 requirements; and

transmits the location data and the call quality metric to the mobile switch center in response to the request, wherein the location data and the call quality metric is for use in analyzing performance of the wireless communication network.

Applicant find support for the amendment in Figures 1, 2, and 3 as well as the respective description in the originally filed application.

Applicant submits that the teachings of Watson do not include a subscriber handheld mobile unit that includes an operating system, a call quality data component, and a location system as recited in amended Claim 6. Also, Watson also fails to teach a mobile switch center which communicates with a base station as recited in amended Claim 6. Instead, Watson teaches a call simulator 40 that interfaces with a PSTN. Applicant submits that a call simulator 40 does not function as a mobile switch center that communicates with a base station. Watson makes no mention of E911 requirements.

Thus, Watson fails to teach all of the elements of amended Claim 6. Notably, Watson fails to teach a subscriber handheld mobile unit comprising an operating system, a call quality data component, and a location system as recited in amended Claim 6. In addition, Watson fails to teach that the location system compatible with E911 requirements and receives a query originating from a mobile switch center which communicates with a base station.

Since Watson does not teach all of the elements of independent Claim 6, then Watson cannot anticipate Claims 6-8 under 35 USC §102(e). Applicant respectfully requests

withdrawal and reconsideration of all pending claims as they patentably define over the cited art.

**Claim Rejections Pursuant to 35 U.S.C. §103 (a)**

Claims 9 and 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Published PCT International Application WO 99/12228 to Watson in view of U.S. Patent No. 6,970,702 to Martin. Applicant respectfully traverses the rejection.

The teachings of Watson were discussed above.

Martin teaches a system for and method of cellular telephone system monitoring includes a cellular switch which is remotely accessed and placed in a call monitor mode. A GPS receiver is connected to a mobile telephone via an interface unit. Call performance information (e.g., signal strength, BER and call events) are recorded at the switch and downloaded to a remote computer that includes a display. GPS location information is transmitted by the mobile telephone and received by the remote computer via the switch. The computer receives and stores the recorded call and GPS information and graphically displays this information, along with a map indicating the location of the mobile telephone. Preferably, the call information is first parsed, converted and/or scaled to conform to a standard file format. (Abstract).

Also, Martin teaches, in Figure 2, that the mobile telephone 14 is separate from the GPS equipment and is interconnected using an external interface unit 18.

Applicant has amended independent Claim 9 to recite:

A method for analyzing a wireless communications network in real-time, comprising:  
    receiving performance monitoring criteria;  
    using the performance monitoring criteria to query at least one subscriber handheld mobile unit in the wireless communications network, the handheld unit comprising a location system;  
    receiving at least one response to the query, including call data and location data;  
    creating a link between the call data and the location data;  
    storing the call data, the location data, and the link in a server;  
    accessing the server to retrieve the call data, the location data, and the links;  
    using the call data, the location data and the links to create at least one performance report, including a graphical report that displays the call data as a

function of location and time, wherein the location is a location of a subscriber handheld mobile unit with a resolution required by enhanced 911 ("E911") services, and the time is a time at which the call data was created and at which the subscriber handheld mobile unit was in the location.

Applicant finds support for the amendment in Figure 2 of the pending application. Applicant notes that neither Watson nor Martin teaches a subscriber handheld mobile unit comprising a location system including E911 requirements. Since the combination of Watson and Martin does not teach all of the elements of independent Claim 9, then Watson and Martin, considered alone or in combination, cannot render obvious amended Claim 9 under 35 USC §103(a). Applicant respectfully requests withdrawal and reconsideration of all pending claims as they patentably define over the cited art.

Likewise, Applicant has amended independent Claim 23 to recite a subscriber handheld mobile unit comprising performance monitoring means and location means. Since the combination of Watson and Martin does not teach all of the elements of independent Claim 23, then Watson and Martin, considered alone or in combination, cannot render obvious Claims 23-25 under 35 USC §103(a). Applicant respectfully requests withdrawal and reconsideration of all pending claims as they patentably define over the cited art.

Concerning U.S. Pat No. 5,095,500 to Tayloe, Applicant notes that Tayloe teaches: According to the present invention, each base station is equipped with a locator 103, 108, and 113 which employs signal strength measurements and timing advance techniques for locating and tracking the position of mobile units engaged in active calls. (col. 3 lines 46-50).

Thus, Tayloe teaches that the location determination equipment is located at a base station. This is different from the recitation of the pending claims which recite the subscriber handheld mobile unit containing the location system. Thus, Tayloe teaches away from the invention recited in the amended claims.

Concerning U.S. Pat Publication No. 2001/0039489 to Ford, Applicant notes that Ford teaches:

This invention relates to methods for combining Global Positioning System ("GPS"), Speech Recognition, Radio Frequency ("RF"), and Geographic Information System

("GIS") to perform mobile field data collection and automatic population of a GIS database with fully attributed and correlated observation data. The system relates particularly to a field data capture system and automatic GIS database population tool for a user to build GIS layers and fully exploit the data in the GIS.(paragraph 0002).

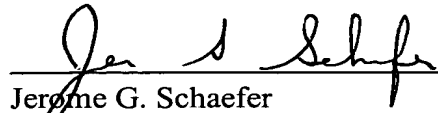
It is an object of the present invention to provide a method and system for a speech recognition based field data capture system, asset tracking, and automatic GIS database population tool for a user to build GIS layers, to track assets, and to fully exploit the data in the GIS. (paragraph 0007).

Applicant respectfully submits that Ford is non-analogous art because it fails to address performance monitoring of a wireless mobile network. Instead, Ford uses RF communications to transmit human-provided field observations such as natural resource observations, traffic observations, or incident observations. Often, such observations are in the form of voice input to a RF device so that a Geographic Information System (GIS) database may be updated. As stated in paragraph 0011, the mobile unit is mounted in a vehicle or backpack along with a audio headset for initiating speech-based descriptions of user observations. Ford does not discuss performance measurements of a wireless network. Thus, Applicant respectfully submits that Ford is non-analogous art.

### **Conclusion**

Applicant respectfully requests reconsideration of all pending claims in light of the arguments and amendments provided above.

Date: July 24, 2006

  
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